

REMARKS

In the non-final Office Action, the Examiner objects to the drawings and rejects claims 1-26 under 35 U.S.C. §101. Specifically with respect to the rejections under 35 U.S.C. §101, the Examiner applies a statutory type double patenting rejection to claims 11-18 under 35 U.S.C. §101 as claiming the same invention as claims 20-25 of U.S. Patent No. 6,425,005 (hereinafter the '005 Patent); applies a nonstatutory double patenting rejection to claims 19-26 under 35 U.S.C. §101 as not being patentably distinct from claims 20-25 of the '005 Patent; applies a nonstatutory double patenting rejection to claim 1 as being unpatentable over claim 13 of U.S. Patent No. 6,418,461 (hereinafter the '461 Patent) in view of U.S. Patent No. 5,655,081 issued to Bonnell et al. (hereinafter Bonnell); applies a nonstatutory double patenting rejection to claim 2 as being unpatentable over claim 23 of the '461 Patent; applies a nonstatutory double patenting rejection to claim 3 as being unpatentable over claim 13 of the '461 Patent in view of U.S. Patent No. 5,185,782 issued to Srinivassan (hereinafter Srinivassan); applies a nonstatutory double patenting rejection to claims 4-6 as being unpatentable over claim 13 of the '461 Patent; applies a nonstatutory double patenting rejection to claim 7 as being unpatentable over claim 5 of the '461 Patent; applies a nonstatutory double patenting rejection to claims 8 and 9 as being unpatentable over claim 1 of the '461 Patent; and applies a nonstatutory double patenting rejection to claim 10 as being unpatentable over claim 1 of the '461 Patent in view of U.S. Patent No. 5,367,698 issued to Webber et al (hereinafter Webber).

By way of the present amendment, Applicants amend the specification and claims 7 and 26 to improve form. No new matter has been added by way of the present amendment. Claims 1-26 are pending.

Drawing Objection

In the Office Action, the drawings are objected to due to an informality. In particular, the Examiner alleges that the reference numbers in Figure 2 do not match reference numbers in the specification. Applicants have amended the paragraph beginning on line 22 of page 5 so that the reference numbers discussed in this paragraph correspond to the reference numbers illustrated in Figure 2. Withdrawal of the objection to Figure 2 is respectfully requested.

35 U.S.C. §101 Rejections

Statutory Double Patent Rejections

Claims 11-18 stand rejected under 35 U.S.C. §101 as being unpatentable over claims 20-25 of the '005 Patent. The 35 U.S.C. §101 rejection of claims 11-18 is a statutory double patenting rejection.

MPEP §804 recites:

In determining whether a statutory basis for a double patenting rejection exists, the question to be asked is: Is the same invention being claimed twice? 35 U.S.C. 101 prevents two patents from issuing on the same invention. "Same invention" means identical subject matter.

The features recited in claims 11-18 are not identical to the features recited in claims 20-25 of the '005 Patent.

For example, Applicants' claim 11 recites:

A method for managing resources in an intelligent network having one or more service nodes, each service node capable of providing one or more services, comprising:
receiving a communications event corresponding to a requested service, the requested

service to be performed at a service node; instantiating a first set of service objects in a local execution environment at the service node based on the receiving a communications event, the service objects being capable of performing the requested service; tracking the availability and execution of the first set of service objects at the service node; and initiating instantiation of a second set of service objects in the local execution environment based on receipt of further requests for service at the node based on the status and availability of information.

In contrast, claim 20 of the '005 Patent recites:

A method for managing resources in an intelligent network having one or more service nodes, each service node capable of providing one or more services relating to a communications event at a network resource complex associated with that service node, said method comprising: receiving communications event corresponding to a requested service to be performed at a service node; instantiating one or more service objects capable of performing said requested service in a local execution environment at said node; tracking status of executing service objects for said requested service and availability of service objects at said service node; and, upon receipt of further requests for said service, initiating service object instantiation in said local execution environment at said node based upon said status and availability information.

Therefore it is clear that Applicants' claim 11 recites at least one feature that is not in claim 20 (or claims 20-25) of the '005 Patent. Therefore, a statutory double patenting rejection is improper.

For at least the foregoing reasons, Applicants respectfully request that the statutory

double patenting rejection of claims 11-18 under 35 U.S.C. §101 be withdrawn.

Nonstatutory Double Patenting Rejections

Claims 19-26 are rejected under 35 U.S.C. §101 as not being patentably distinct from claims 20-25 of the '005 Patent. Applicants have submitted a terminal disclaimer in response to the above rejection, thus overcoming the rejection of claims 19-26. Withdrawal of the 35 U.S.C. §101 rejection of claims 19-26 is respectfully requested in view of the accompanying terminal disclaimer.

Claim 1 is rejected under 35 U.S.C. §101 as not being patentably distinct from claim 13 of the '461 Patent in view of Bonnell. Applicants have submitted a terminal disclaimer in response to the above rejection thus overcoming the '461 Patent as a reference. Withdrawal of the 35 U.S.C. §101 rejection of claim 1 is respectfully requested in view of the accompanying terminal disclaimer.

Claim 2 is rejected under 35 U.S.C. §101 as not being patentably distinct from claim 23 of the '461 Patent. In view of the terminal disclaimer submitted herewith, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection of claim 2.

Claim 3 is rejected under 35 U.S.C. §101 as not being patentably distinct from claim 13 of the '461 Patent in view of Srinivassan. In view of the terminal disclaimer submitted herewith, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection of claim 3.

Claims 4-6 are rejected under 35 U.S.C. §101 as not being patentably distinct from claim 13 of the '461 Patent. In view of the terminal disclaimer submitted herewith, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection of claims 4-6.

Claim 7 is rejected under 35 U.S.C. §101 as not being patentably distinct from claim 5 of

the '461 Patent. In view of the terminal disclaimer submitted herewith, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection of claim 7.

Claims 8 and 9 are rejected under 35 U.S.C. §101 as not being patentably distinct from claim 1 of the '461 Patent. In view of the terminal disclaimer submitted herewith, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection of claims 8 and 9.

Claim 10 is rejected under 35 U.S.C. §101 as not being patentably distinct from claim 1 of the '461 Patent in view of Webber. Applicants have submitted a terminal disclaimer in response to the above rejection thus overcoming the '461 Patent as a reference. Withdrawal of the 35 U.S.C. §101 rejection of claim 10 is respectfully requested in view of the accompanying terminal disclaimer.

Conclusion

In view of the foregoing amendment and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the present application. All claims are believed allowable in view of the amendment above and accompanying terminal disclaimer.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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